

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**AMY NEWTON, Individually and on
behalf of all others similarly situated,**

Plaintiff,

vs.

MISSION CARE OF ILLINOIS, LLC,

Defendant.

Case No. 22-CV-2442-SMY

PRELIMINARY APPROVAL ORDER

This matter having come before the Court on Plaintiff's Unopposed Motion in Support of Preliminary Approval of Class Action Settlement (Doc. 29), the Court having reviewed in detail and considered the Motion and Memorandum in Support of the Motion, the Class Action Settlement Agreement, all other papers that have been filed with the Court related to the Settlement Agreement, and Counsel's presentation during the hearing on this date, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used in this Order that are not otherwise defined herein have the same meaning assigned to them as in the Settlement Agreement.
2. The terms of the Settlement Agreement are preliminarily approved as fair, reasonable, and adequate.
3. For settlement purposes only, the Court finds that the prerequisites to class action treatment under Federal Rule of Civil Procedure 23 – including numerosity, commonality and predominance, adequacy, and appropriateness of class treatment of these claims – have been preliminarily satisfied.
4. Pursuant to Fed. R. Civ. P. 23, the Court hereby conditionally certifies the following

Settlement Class for settlement purposes:

All individuals who worked for Mission Care or an affiliate in the State of Illinois and who enrolled in or used a fingertip scan timekeeping system in connection with their work for Mission Care or an affiliate from September 14, 2017 to the date of Preliminary Approval.

5. For settlement purposes only, Plaintiff Amy Newton is hereby appointed as Class Representative.

6. For settlement purposes only, the following counsel are hereby appointed as Class Counsel:

Brandon M. Wise
Adam Florek
Peiffer Wolf Carr Kane Conway & Wise, LLP
818 Lafayette Ave., Floor 2
St. Louis, Missouri 63104
314.833.4285
bwise@peifferwolf.com
aflorek@peifferwolf.com

7. The Court approves, in form and content, the Class Notice, attached to the Settlement Agreement as Exhibit A, and finds that Exhibit A meets the requirements of Fed. R. Civ. P. 23(c)(2) and satisfies Due Process.

8. The Court finds that the planned notice set forth in the Settlement Agreement meets the requirements of Fed. R. Civ. P. 23(c)(2) and constitutes the best notice practicable under the circumstances. The Parties, by agreement, may revise the Class Notice and Claim Form in ways that are not material, or in ways that are appropriate to update those documents for purposes of accuracy or formatting for publication.

9. The Court appoints Analytics, LLC as Settlement Administrator. The Settlement Administrator is vested with authority to carry out the Notice Plan as set forth in the Settlement Agreement.

10. The distribution of Class Notice as set forth in the Settlement Agreement shall

commence on or before **September 29, 2023**.

11. Settlement Class Members shall be bound by all determinations and orders pertaining to the Settlement, including the release of all claims to the extent set forth in the Settlement Agreement unless such persons request exclusion from the Settlement Class in a timely and proper manner, as hereinafter provided.

12. Any Person within the Settlement Class may request exclusion from the Settlement Class by expressly stating his/her request in a written exclusion request, as provided in the Class Notice. Such exclusion requests must be received by Class Counsel, by first class mail, postage prepaid, and postmarked, no later than **December 4, 2023**.

13. Class Counsel shall file a motion seeking an award of attorneys' fees and costs not to exceed 35.00% of the settlement fund in attorneys' fees, plus their reasonable costs and expenses, as well as a Class Representative Incentive Award no later than **December 19, 2023**.

14. Any Settlement Class Member who has not requested exclusion from the Settlement Class and who wishes to object to any aspect of the Settlement Agreement, including the amount of the attorneys' fees, costs, and expenses that Class Counsel intends to seek and the payment of the Incentive Award to the Class Representative, may do so, either personally or through an attorney, by filing a written objection with the Clerk of the Court as provided in the Class Notice, and served upon Class Counsel, Defendant's Counsel, and the Settlement Administrator no later than **December 4, 2023**. Any Settlement Class Member who fails to timely file and serve a written objection in accordance with this Order shall be deemed to have waived, and shall be forever foreclosed from raising, any objection to the Settlement, to the fairness, reasonableness, or adequacy of the Settlement, to the payment of attorneys' fees, costs, and expenses, to the payment of an Incentive Award, and to the Final Approval Order and the right to appeal same.

15. All papers in support of the final approval of the proposed Settlement shall be filed

no later than **December 19, 2023**.

16. A “Final Approval Hearing” shall be held on **January 18, 2024** at 1:30 p.m. before Judge Staci M. Yandle at the United States District Court for the Southern District Of Illinois, 301 West Main Street, Benton, IL 62812 (or at such other time or location as the Court may without further notice direct).

17. The Final Approval Hearing may be postponed, adjourned, transferred or continued by order of the Court without further notice to the Settlement Class. At or following the Final Approval Hearing, the Court may enter a judgment approving the Settlement Agreement and a Final Approval Order in accordance with the Settlement Agreement that adjudicates the rights of all Settlement Class Members.

18. All proceedings in the Litigation as between Plaintiff and Defendant are **STAYED** until further order of the Court except such actions as may be necessary to implement the Settlement Agreement and this Order.

19. For clarity, the deadlines set forth herein are as follows:

Notice to be completed by: September 29, 2023

Objection Deadline: December 4, 2023

Exclusion Request Deadline: December 4, 2023

Fee and Expense Application: December 19, 2023

Final Approval Submissions: December 29, 2023

Final Approval Hearing: January 18, 2024

IT IS SO ORDERED.

DATED: August 30, 2023



STACI M. YANDLE
United States District Judge